

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and the following remarks, is respectfully requested. Claims 1-2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 are pending in this application. By this Amendment, claims 1, 2, 4, 13, 15, 16, 17, 18, 20, 21, 23, 25, 31, 32, 34 and 36 are amended. By this Amendment, no claims are added or cancelled. Claims 1, 15, 16, 17, and 18 are the independent claims.

Because the amendments to the claims do not present new issues requiring a further search and/or consideration, Applicants respectfully request the Examiner to enter these amendments and allow the application for the reasons discussed below.

Double Patenting

The Examiner has provisionally rejected claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6, 9, 12, 15-19, 22, 25, 28, 29, 32, 35, 36, 39, 42, 43, 46 and 40 of copending Application No. 10/653,235 in view of Ando et al. (U.S. Patent Publication No. 2001/0046371, hereinafter "Ando"). Concurrently with the filing of this Amendment, Applicants have filed a terminal disclaimer to overcome this rejection.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 2, 4, 13, 15-18, 20-23, 25, 29, 31-34, 36 and 40 under 35 U.S.C. § 102(b) as being anticipated by Ando et al. (U.S. Patent Publication No. 2001/0046371, hereinafter "Ando"). Applicants respectfully traverse this rejection for the reasons detailed below.

In contrast to the Examiner's assertions, Applicants submit that Ando does not disclose or suggest "the at least one **sub-playitem** indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information, **the link information indicating that the at least one playitem is associated with the at least one sub-playitem** such that the at least one still image and the audio data are played together" of independent claim 1. For example, Applicants submit that the link point identified by the Examiner in Ando is not the *type* of link information recited in claim 1. The Examiner alleges that the sub-playitem of claim 1 corresponds to the **Entry Point of Representative Audio** of Ando. This Entry Point of Representative Audio is shown in detail with respect to FIGS. 43-48, as well as described with reference to paragraphs [0483] to [0525] of Ando.

The Entry Point of Representative Audio provides a link between *actual* still pictures and audio data, or between *actual* representative audio and audio data. In contrast, claim 1 requires that the link information indicate that the at least one **playitem** is associated with the at least one **sub-playitem**. In other words, the link information of claim 1 *links* the playitem with the sub-playitem. This is not the type of link information shown in Ando. For instance, the link point of Ando merely links the actual still picture with the actual audio data – not the management files of these data files. In other words, the link point of Ando does *not* link the **Entry Point of Representative Audio** with the **Entry Point of Still Picture** of Ando (allegedly corresponding to the playitem of claim 1).

Because Ando does not disclose or suggest "the at least one sub-playitem indicating an in-point and out-point of the second stream file for reproducing the audio data and including link information, the link information indicating that the at least one playitem is associated with the at least one sub-playitem such that the at least one still image and the audio data are played together" of independent claim 1 for

the reasons discussed above, Ando cannot anticipate claim 1 within the meaning of 35 U.S.C. §102(b). Independent 15, 16, 17 and 18 include features similar to the above-identified features of claim 1, and therefore are patentable for at least the same reasons stated above. The pending dependent claims, dependent on claims 1 and 15-18, are patentable for at least the same reasons stated above with respect to the above-identified features of claim 1. As such, Applicants respectfully request this rejection be withdrawn.

CONCLUSION

Accordingly, in view of the above remarks, reconsideration of the objections and rejections and allowance of each of claims Gary D. Yacura in connection with the present application is earnestly solicited.

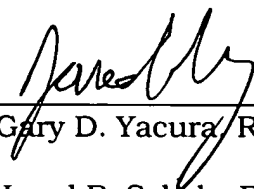
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Gary D. Yacura, Reg. No. 35,416
Jared B. Scholz, Reg. No. 64,088

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/JBS:gew
